

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

7-15-97  
07-15-97 10 51:10

IN THE MATTER OF )  
 )  
TVX Mineral Hill Inc. ) DOCKET NO. CWA-VIII-97-02-PII  
P.O. Box 92 )  
Gardiner, MT 59030 )  
 )  
Respondent )

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, TVX Mineral Hill, Inc. ("TVX"), by their undersigned representatives, hereby consent and agree as follows:

1. On July 15, 1997, Complainant issued a Complaint proposing a civil penalty pursuant to section 309(g) of the Clean Water Act (the "Act"), 33 U.S.C. §1319(g), for the violations alleged therein.

2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint. The execution of this agreement is not an admission by Respondent of any liability under, or violation of any law, regulation, or permit, and EPA recognizes that Respondent has acted in good faith to remedy the violations alleged in the Complaint. The parties, therefore, agree that:

a) settlement of the claims alleged in the Complaint is in the best interests of the parties and the public; and b) execution of this agreement without a hearing is the most appropriate means of resolving such claims.

3. Respondent waives its right to a hearing on this matter, and to judicial review of this matter, pursuant to sections 309(g)(2) and (8) of the Act, 33 U.S.C. sections 1319(g)(2) and (8).

4. This Consent Agreement ("Agreement"), upon incorporation into a final consent order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this Agreement.

5. This Consent Agreement contains all terms of the settlement agreed to by the parties.

6. Respondent consents and agrees that not more than thirty (30) days after this Agreement has become final in accordance with paragraph 14 below, Respondent shall pay a civil penalty in the amount of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) by remitting a cashier's or certified check for that amount, payable to "Treasurer, United States of America," to:

EPA Region VIII  
(Regional Hearing Clerk)  
P.O. Box 360859M  
Pittsburgh, PA. 15251

The check shall reference the Respondent's name and address and the EPA docket number of this action. A copy of the check shall be sent simultaneously to:

Elizabeth S. Bohanon, 8ENF-L  
Enforcement Attorney  
U.S. EPA Region VIII  
999 19th Street, Suite 500  
Denver, Colorado 80202-2466

7. Respondent further agrees and consents that Respondent's failure to pay the penalty amount by the due date stated herein may subject Respondent to a civil action to collect the amount owed, plus interest at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, attorneys fees and costs, and an additional quarterly nonpayment penalty pursuant to section 309(g)(9) of the Act. A late payment handling charge of twenty dollars (\$20.00) shall be imposed after the first 30 days that the payment is overdue, with an additional charge of ten dollars (\$10.00) imposed for each subsequent 30-day period until payment is made. In any such collection action, the validity, amount, and appropriateness of the payment agreed to, and of this Agreement, shall not be subject to review.

8. Pursuant to section 309(g)(7) of the Act, nothing in this Consent Agreement shall relieve Respondent of the obligation to comply with all requirements of the Clean Water Act and its implementing regulations, or with the terms and conditions of any order or permit issued pertaining thereto.

9. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the Agreement and may result in referral of the matter to the U.S. Attorney for enforcement of this Agreement and for such other relief as may be appropriate.

10. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind the party he/she represents to the terms and conditions of this Consent Agreement.


11. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

12. Each party shall bear its own costs and attorneys fees in connection with this matter.

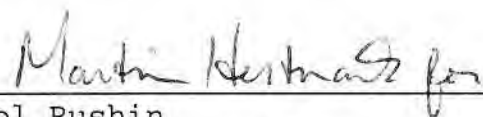
13. This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full settlement of the specific violations alleged in the complaint, and of all violations identified in the Montana DEQ Field Investigation Reports dated September 18 and November 11, 1996, and the EPA Compliance Evaluation Inspection Report dated September 25, 1996, other than any claims under the Spill Prevention Control and Countermeasure (SPCC) requirements of the Clean Water Act, which will be the subject of another action.

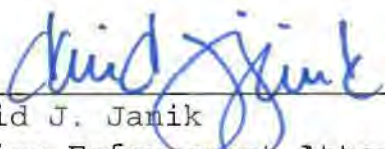
14. This Agreement shall become final thirty (30) days after the Regional Judicial Officer has issued a consent order incorporating this Agreement.

FOR THE RESPONDENT TVX MINERAL HILL INC.:

  
\_\_\_\_\_  
Ian Horne  
Vice President, Environment  
TVX Mineral Hill Mine

FOR THE ENVIRONMENTAL PROTECTION AGENCY, REGION VIII:

  
\_\_\_\_\_  
Carol Rushin  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

  
\_\_\_\_\_  
David J. Janik  
Senior Enforcement Attorney  
Administrative Litigation  
Legal Enforcement Program

  
\_\_\_\_\_  
Elizabeth S. Bohanon  
Enforcement Attorney  
Legal Enforcement Program

FILED  
EPA REGION 8  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

SEP 10 1997

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
TVX Mineral Hill Inc.	)	DOCKET NO. CWA-VIII-97-02-PII
P.O. Box 92	)	
Gardiner, MT 59030	)	
	)	
	)	
Respondent	)	

CONSENT ORDER

Pursuant to 40 C.F.R. Section 22.18(c), the Consent Agreement of the parties is hereby approved and incorporated by reference into this Consent Order. The Respondent is hereby ORDERED to comply with all of the terms and conditions of the Consent Agreement immediately upon receipt by Respondent of this Consent Order.

Date: September 10, 1997

By: Alfred C. Smith  
Alfred C. Smith  
Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the originals of the attached **CONSENT ORDER/CONSENT AGREEMENT** in the matter of **TVX MINERAL HILL INC.**, Docket No. **CWA-VIII-97-02-PII**, were filed with Regional Hearing Clerk on September 10, 1997.

Further, the undersigned certifies that true and correct copies of the **CONSENT ORDER** were hand-carried to Elizabeth Bohanon, Enforcement Attorney, Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202-2466. True and correct copies of the aforementioned documents were placed in the United States mail, certified, return receipt requested to:

Ian Horne  
Vice President Environment  
TVX Gold, Inc.  
Canada Trust Tower, Suite 4300  
161 Bay Street  
Toronto, Ontario, Canada M5J 2S1

Sept 11, 1997  
Date

Tina Artemis  
Tina Artemis  
Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

SEP 11 1997

Ref: 8ENF-T

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ian Horne, Vice President Environment  
TVX Gold, Inc.  
Canada Trust Tower, Suite 4300  
161 Bay Street  
Toronto, Ontario, Canada M5J 2S1

Re: Consent Agreement and  
Consent Order;  
Docket No. CWA-VIII-97-02-PII

Dear Mr. Horne:

Enclosed are two documents entitled "Consent Agreement" and "Consent Order." These documents resolve the Administrative Complaint, Docket Number CWA-VIII-97-02-PII, issued by the United States Environmental Protection Agency against TVX Mineral Hill Inc., for failure to comply with Section 301(a) of the Clean Water Act. Pursuant to paragraph 6 of the Consent Agreement, the payment of \$125,000 is due within thirty (30) days after the Consent Agreement has become final.

If you have any questions, please contact Ms. Elizabeth Bohanon of our Legal Enforcement Program, at (303) 312-6904. We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martin Rushin" or similar, followed by a small flourish.

Carol Rushin  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: John Arrigo, MTDEQ (w/encl.)



Printed on Recycled Paper



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**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail

Ian Horne  
Vice President Environment  
TVX Gold, Inc.  
Canada Trust Tower, Ste 4300  
161 Bay Street  
Toronto, Ontario, Canada M5J 2S1

PS Form 3800, June 1991	Special Delivery Fee	
	Restricted Delivery Fee	
	Return Receipt Showing to Whom & Date Delivered	
	Return Receipt Showing to Whom, Date, and Addressee's Address	
	TOTAL Postage & Fees	\$
Postmark or Date 09/11/97 CWA VIII-97-02-PH QA/CO		